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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,783	12/20/2004	Naoki Yoshida	SONY JP 3.3-309	3164
530 7590 12/16/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER RABOVIANSKI, JIVKA A				
ART UNIT 2426		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/518,783

**Applicant(s)**

YOSHIDA, NAOKI

**Examiner**

JIVKA RABOVIANSKI

**Art Unit**

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 8 and 10 - 19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 - 8 and 10 - 19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☒ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to an AMENDMENT entered September 4, 2009 for the patent application 10/518783 filed on December 20, 2004.
2. The Previous Office Action of June 02, 2009 is fully incorporated into this Final Office Action by reference.

### ***Status of Claims***

3. Claims 1 – 8 and 10 – 19 are pending  
Claim 9 is cancelled.  
Claims 1, 4, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 have been amended.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 – 8, 10 - 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Holtz (USPN 6,760,916, referred to as Holtz).**

**Regarding claims 1 and 10:**

Holtz teaches: first production means for producing a first content of a video signal and/or an audio signal (Holtz, C 6: L 53 – 60, C7, L 39 – 42);

Holtz teaches: second production means for producing a second content corresponding to the first content, the second content including a script for outputting a graphical user interface, and the script includes a description for causing a reception apparatus to execute (Holtz, C 7: L 42 – 47, C 43: L 57 – 59, C 8: L 60 – 67, C 41: L 36 – 54, Fig. 11; EN: production means for producing - “enhanced media”; content including script (e.g. with XML):

Holtz teaches: a process for producing use history information including a predetermined content in accordance with a use result related to the use by a user of the first content in the reception apparatus (Holtz, C 36: L 54 – 67, C50: L 23 – 26, C 44: L 6 – 9, C 36: L 54 – 67, C 46: L 23 – 25, C 46: L 30 – 32)

Holtz teaches: a process for changing the graphical user interface based on the use history information so as to change a service to be provided with an operation to a user interface screen picture (Holtz, Figs. 11, 12/1108a, C 44: L 6 – 8)

Holtz teaches: sending means for providing, as a broadcast, a transmission output of the second content in combination with the first content C 8: L23 – 41, C 35: 16 -24)

Holtz teaches the style of the graphical user interface being adaptively varied by the reception apparatus according to the first content and a viewing history of the first content, the viewing history of the first content being stored in the reception apparatus. (Holtz, Fig. 11 and C 8: L 35 – 41, C 42: L 59 – 61; C 41: L 48 – 49; C 13: L 19 – 31, C 32: L 7 – 31, C 32: L 36 - 38; EN: *a user profile* is automatically created from a cookie or similar identifier that is *deposited (stored)* on the enhanced *media client 120 operated by the user*; media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client 120; enhanced media client 120 receives a customized *preprogrammed* show according to the user's profile (according to the first content and a viewing history); receive the most updated version of the new stories; establish *a user profile* to specify the contents, duration and layout; the media streams can be modified according to the interests of the user of enhanced media client 120, reassembled and streamed in the new configuration).

**Regarding claims 2 and 5:**

Holtz teaches the transmission apparatus according, wherein the first content is compressed and coded, and transmitted (Holtz, see analysis of claim 1; C 25: L 60 - 67; C 26: L 1-10).

**Regarding claims 3 and 6:**

Holtz teaches the transmission apparatus wherein the second content is transmitted as data broadcast (Holtz, see analysis of claim 1 and C 14: L1 - 30).

**Regarding claims 4, 14 and 15:**

Holtz teaches reception means for receiving first content including a video signal and/or an audio signal transmitted as a broadcast and a second content corresponding to the first content, the second content including a script including a description for causing the reception apparatus to execute: (Holtz, C 7: L 66 – 67, C 8: L 1 – 12, C 11: L 45 – 56, C 7: L 42 – 47; EN: a second content - “enhanced media”; the second content including a script (e.g. with XML)

Holtz teaches a process for producing use history information including a predetermined content in accordance with a use result (e.g. selection of a hyperlink) related to the use by a user of the first content in

the reception apparatus (Holtz, C 36: L 54 – 67, C 50: L 23 – 26, C 44: L 6-9 C 46: L 23 – 25, C 46: L 30 - 32)

Holtz teaches a process for changing the graphical user interface based on the use history information so as to change a service to be provided with an operation to a user interface screen picture (Holtz, Figs. 11, 12/ 1108a C 44 : L 6 – 8 C 8 : L 23 – 41, Figs. 11 and/or 12);

Holtz teaches user interface forming means for forming a graphical user interface to be output together with a picture as the first content in accordance with the script, for producing and storing the use result, and for executing, in accordance with the script, a process for changing the graphical user interface based on the use history information so as to change the service to be provided with the operation to the user interface screen picture (Holtz, Fig. 11/ 1102 C 14: L19 – 31, C 13: L 21 - 31)

Holtz teaches the style of the graphical user interface being adaptively varied by the reception apparatus according to the first content and a viewing history of the first content, the viewing history of the first content being stored in the reception apparatus. (Holtz, Fig. 11 and C 8: L 35 – 41, C 42: L 59 – 61; C 41: L 48 – 49; C 13: L 19 – 31, C 32: L 7 – 31, C 32: L 36 - 38; EN: a user profile is automatically created from a cookie or

similar identifier that is *deposited (stored)* on the enhanced media client 120 operated by the user; media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client 120; media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client 120; enhanced media client 120 receives a customized *preprogrammed* show according to the user's profile (according to the first content and a viewing history); receive the most updated version of the new stories; establish *a user profile* to specify the contents, duration and layout; the media streams can be modified according to the interests of the user of enhanced media client 120, reassembled and streamed in the new configuration).

**Regarding claim 7:**

Holtz teaches the user is allowed to perform operations to the user interface picture (Holtz, C 39: L 50 – 55, C 50: L 23 – 26; EN: see analysis of claim 4).

**Regarding claim 8,** Holtz teaches a mark operation is performed on the selected one of the first content; and



Holtz teaches the graphical user interface changes in response to the mark operation (Holtz, C 34: L 40 – 61, EN: activating hyperlink).

**Regarding claim 9:**

Holtz teaches the graphical user interface changes in accordance with a viewing history of the first content (Holtz, C 39: L 50 – 55, C 50: L 23 – 26; EN: see analysis of claim 4).

**Regarding claim 11:**

Holtz teaches reception means for receiving first content including a video signal and/or an audio signal transmitted as a broadcast and a second content corresponding to the first content, the second content including a script (e.g. with XML) including a description for causing the reception apparatus to execute: (Holtz, C 7: L 66 – 67, C 8: L 1 – 12, C 11: L 45 – 56, C 7: L 42 – 47; EN: a second content - “enhanced media”; the second content including a script (e.g. with XML)

Holtz teaches interface forming means for forming a graphical user interface to be output together with a picture as the first content in accordance with the script, for producing and storing the use result, and for executing, in accordance with the script, a process for changing the graphical user interface based on the use history information so as to

change the service to be provided with the operation to the user interface screen picture (Holtz, Figs. 11, 12/ 1102, C 13: L 21 – 31, C 14: L 19 – 31, C 46: L 23 – 25, C 46: L 30 – 32; EN: see also analysis of claim 4).

Holtz teaches the style of the graphical user interface being adaptively varied by the reception apparatus according to the first content and a viewing history of the first content, the viewing history of the first content being stored in the reception apparatus. (Holtz, Fig. 11 and C 8: L 35 – 41, C 42: L 59 – 61; C 41: L 48 – 49; C 13: L 19 – 31, C 32: L 7 – 31, C 32: L 36 - 38; EN: a user profile is automatically created from a cookie or similar identifier that is *deposited (stored)* on the enhanced media client 120 operated by the user; media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client 120; media index permits users to save content as they wish for later requests where the media index resides on an enhanced media client 120; enhanced media client 120 receives a customized *preprogrammed* show according to the user's profile (according to the first content and a viewing history); receive the most updated version of the new stories; establish *a user profile* to specify the contents, duration and layout; the media streams can be modified according to the interests of the user of

enhanced media client 120, reassembled and streamed in the new configuration).

**Regarding claims 13 and 16 - 19, see analysis of claims 1 and 4.**

### **Response to Arguments**

6. Applicant's arguments filed 09/04/2009 related to claims 1 – 8 and 10 – 19 have been fully considered but they are not persuasive.

In reference to Applicant's argument:

Applicant's invention as recited in the independent claims is directed toward a transmission apparatus and a reception apparatus. Each of the claims recites "first content" that includes a video signal and/or an audio signal. Each of the claims further recites that "the style of [a] graphical user interface [is] adaptively varied by the reception apparatus according to the first content and a viewing history of the first content, the viewing history of the first content being stored in the reception apparatus." (Emphasis supplied.) Supporting disclosure for the emphasized recitation can be found in the specification at, for example, paragraphs [0192]-[0197]. The cited references do not disclose the emphasized recitation. Accordingly, Applicant believes that claims 1, 4, and 10-19 are patentable over the cited references - taken either individually or in combination - on at least this basis.

**Examiner's Response:**

Holtz teaches enhanced media client 120 receives a customized *preprogrammed* show according to the user's profile (according to the first content and a viewing history. Also Holtz teaches receiving the most updated version of the new stories where establish *a user profile* to specify the contents, duration and *layout*; *the media streams* can be modified according to the *interests of the user* of enhanced media client 120,

*reassembled* and streamed in the new configuration. Every time when the reception device receives updated version, *preprogrammed* show or a new configuration in accord with the user profile, the user interface has a different look, *layout* adaptively changed as per the user history profile (Fig. 11 and C 8: L 35 – 41, C 42: L 59 – 61; C 41: L 48 – 49; C 13: L 19 – 31, C 32: L 7 – 31).

### ***Examination Considerations***

7. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541,550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

8. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.
9. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.
10. Examiner's Opinion: paragraphs 7 - 9 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

**FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jivka Rabovianski whose telephone number is (571) 270-1845. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HIRL can be reached on (571) 272-3685.

Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jivka Rabovianski/

December 8, 2009

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

December 11, 2009